

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

GENERAL EMPLOYEES TRUST FUND  
and BOARD OF TRUSTEES OF  
GENERAL EMPLOYEES TRUST FUND,

Petitioners,

v.

YUL HERMES, an individual,

Respondent.

Case No. 14-cv-04054 NC

**ORDER RE: SUBJECT MATTER  
JURISDICTION and CONTINUING  
CASE MANAGEMENT  
CONFERENCE**

Re: Dkt. No. 21

This action was commenced by the filing of a petition to confirm an arbitration award. *See* Dkt. No. 1. The petition asserts that this Court has subject matter jurisdiction over the action under Section 301(a) of the Labor Management Relations Act, as amended, 29 U.S.C. § 185(a), “as an action upon a contract between an employer and a labor organization representing employees in an industry affecting commerce.” *Id.* ¶ 1.

In the joint case management statement submitted by the parties, respondent Yul Hermes disputes the assertion that this Court has subject matter jurisdiction over the action, arguing this is not “an action between a labor organization and an employer, but instead is an action attempting to impose alter ego liability against individual defendant Hermes [who] is not an ‘employer,’ . . . .” Dkt. No. 21. Given the threshold nature of this issue, it is appropriate to address it before proceeding with case management. Accordingly, by December 10, 2014, petitioners must file a brief addressing the challenge to subject matter


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jurisdiction raised by Hermes. Hermes must file a response to petitioners' brief by December 15, 2014.

The case management conference set for December 10, 2014, is continued to December 17, 2014, at 10:00 a.m. in Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco, California.

IT IS SO ORDERED.

Date: December 5, 2014

  
Nathanael M. Cousins  
United States Magistrate Judge